

REMARKS

By this Amendment, claims 1 and 18 are amended. No claims have been added or canceled. After entry of this amendment, claims 1-33 remain pending in the patent application. Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

Applicant appreciates the indication that claims 4, 8, 21, and 25 would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Applicant respectfully submits, however, that claims 4, 8, 21, and 25 are allowable at least by virtue of their dependence from claims 1 and 18.

The Examiner has required a new title in the present application that is indicative of the invention to which the claims are directed. Applicant has amended the title to recite "Lithographic Apparatus and Device Manufacturing Method with Substrate Measurement Not Through Liquid" and respectfully submit that the amended title is sufficiently descriptive of the claimed invention. Applicant therefore respectfully requests withdrawal of the objection to the title.

The drawings were objected to under 37 C.F.R. 1.83(a) as not showing every feature of the invention specified in the claims. The Examiner states that "the measurement system being configured to measure the location of the reference at an exposure position must be shown." Applicant respectfully submits that such a feature is shown at least in Figure 3 of the instant application. As described in paragraphs [0029] and [0056] of the specification, the reference F1 in the Figures may be a transmission image sensor, which comprises an etched plate and a radiation sensor. Accordingly, Figure 3 shows an embodiment of the invention that includes a measurement system (at least the radiation sensor) being configured to measure the location of the reference (at least the etched plate) at an exposure position (F1 is shown beneath the projection system PL and is at an exposure position). Therefore, Applicant respectfully submits that the claimed features are shown in the drawings and requests withdrawal of the objection to the drawings.

Claims 1, 11, 18, and 28 were rejected under 35 U.S.C. § 102(e) based on Binnard (United States Patent Application Publication No. US 2006/0023186). The rejection is respectfully traversed.

Claims 1 and 18 are amended to further recite the invention and to incorporate similar features as recited in claims 4, 8, 21, and 25, which have been indicated by the Examiner as being allowable if rewritten in independent form. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections and allowance of claims 1 and 18.

Claims 11 and 28 are patentable over Binnard at least by virtue of their dependency from claims 1 and 18, respectively, and for the additional features recited therein.

It is further noted that the Binnard reference US 2006/0023186 (the "'186" application) was filed in the U.S. Patent and Trademark Office on September 29, 2005, and claims priority to International Application No. PCT/IB04/01259, filed March 17, 2004, and to U.S. Provisional Application No. 60/462,499 ("the provisional application"), filed April 11, 2003. The instant application was filed November 12, 2003, and claims priority to European Applications EP 03253692.2, filed June 11, 2003, and EP 02257822.3, filed November 12, 2002. Accordingly, citations to portions of the '186 application not supported by the provisional application are not proper as support for rejections of the instant claims since the filing date of the instant application antedates the filing of the '186 application, as well as that of its related international application. See MPEP § 2136.03.III.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1, 11, 18, and 28 under 35 U.S.C. § 102 based on Binnard.

Claims 2, 3, 5-7, 13, 19, 20, and 22-24 were rejected under 35 U.S.C. § 103(a) based on Binnard in view of Hirayanagi (U.S. Patent No. 6,521,900). The rejection is respectfully traversed.

Claims 2, 3, 5-7, and 13 are patentable over Binnard at least by virtue of their dependency from claim 1 and for the additional features recited therein. Hirayanagi clearly does not cure the deficiencies of Binnard. As a result, claims 2, 3, 5-7, and 13 are patentable over Binnard in view of Hirayanagi.

Claims 19, 20 and 22-24 are patentable over Binnard at least by virtue of their dependency from claim 18 and for the additional features recited therein. Hirayanagi clearly does not cure the deficiencies of Binnard. As a result, claims 19, 20, and 22-24 are patentable over Binnard in view of Hirayanagi.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 2, 3, 5-7, 13, 19, 20, and 22-24 under 35 U.S.C. § 103 based on Binnard in view of Hirayanagi.

Claims 9, 10, 14-17, 26, 27, and 30-33 were rejected under 35 U.S.C. § 103(a) based on Binnard in view of Hasegawa et al. (U.S. Patent No. 6,144,719). The rejection is respectfully traversed.

Claims 9, 10, and 14-17 are patentable over Binnard at least by virtue of their dependency from claim 1 and for the additional features recited therein. Hasegawa et al. clearly does not cure the deficiencies of Binnard.

Claims 26, 27, and 30-33 are patentable over Binnard at least by virtue of their dependency from claim 18 and for the additional features recited therein. Hasegawa et al. clearly does not cure the deficiencies of Binnard.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 9, 10, 14-17, 26, 27, and 30-33 under 35 U.S.C. § 103 based on Binnard in view of Hasegawa et al.

Claims 12 and 29 were rejected under 35 U.S.C. § 103(a) based on Binnard. The rejection is respectfully traversed.

Claim 12 is patentable over Binnard at least by virtue of its dependency from claim 1 and for the additional features recited therein.

Claim 29 is patentable over Binnard at least by virtue of their dependency from claim 18 and for the additional features recited therein.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 12 and 29 under 35 U.S.C. § 103 based on Binnard.

Applicants have addressed all the Examiner's rejections and objections and respectfully submit that the application is in condition for allowance. A notice to that effect is earnestly solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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